

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: March 15-16, 2006

Reference No.: 2.4a.
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: Bimla G. Rhinehart
Division Chief
Right of Way and
Land Surveys

Ref: APPEARANCE

RECOMMENDATION:

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) adopt Resolution of Necessity C-19271, which is the subject of this Appearance. The summary below identifies the location of and designates the nature of the property rights covered by the Resolution of Necessity. In accordance with statutory requirements, the owners have been advised that the Department is requesting a resolution at this time. Adoption of Resolution of Necessity C-19271 will assist the Department in the continuation of the orderly sequence of events required to meet construction schedules.

C-19271 – M. Osman Amani, et ux.

08-SBd-38-PM 3.24 - Parcel 20117-1, 2 - EA 498509 - Certification Date: 04/30/06 - RTL Date: 05/30/06. Conventional highway - safety project - shoulder widening. Authorizes condemnation of land in fee for a State highway and a temporary easement for construction purposes. Located in the unincorporated area of San Bernardino County, commonly known as Mentone, at 1765 Mentone Boulevard. APN 0298-045-32.

Objections to the above Resolution of Necessity have been submitted in writing by the owners in lieu of a personal appearance before the Commission. Attached is the owners February 3, 2006, letter containing the written objections to the Resolution of Necessity, as well as the Department's written response dated February 16, 2006.

Attachments

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA

08-SBd-38-KP 4.94/6.55 (PM 3.07/4.07)

Location:

On State Route 38 (SR 38) in San Bernardino County at Mentone Area.

Limits:

From Wabash Avenue PM 3.07 to Crafton Avenue PM 4.07.

Contract Limits:

It is proposed to widen shoulders, construct Portland cement concrete curb, gutter, sidewalk, and appurtenances on SR 38, in the Community of Mentone between Wabash Ave and Crafton Avenue.

Cost:Construction--\$ 3,444,000
R/W--\$ 400,500 (includes utility relocation)Funding Source:

2004 SHOPP, 201.010/HB1 Safety Improvement Program

Number of Lanes:

Existing: Three lanes; one lane in each direction and a continuous two-way left turn lane.
Proposed: No lane addition is proposed

Shoulders:

Existing: Width varies from 0.98 feet to 22.97 feet.
Proposed: Width varies from 7.87 feet to 22.97 feet.

Proposed Major Features:

This project proposed to construct 7.87 foot paved shoulders, Portland cement concrete curb, gutter and sidewalk. Work will also include tree removal, tree relocations, overhead utility and fire hydrant relocation.

Traffic:

Existing (year 2005): 13,900 Average Daily Traffic (ADT)
Proposed (year 2025): 18,200 ADT

PARCEL DATAProperty Owner:

M. Osman and Cindy Sue Amani

Parcel Location:Assessors Parcel Number 298-045-32
North of SR-38, Mentone Boulevard, east of Jasper AvenuePresent Use:

Auto Repair Shop

Area of Property:

17,191 square feet (1,597.1 square meters)

Area Required:

Parcel 20117-1 = 490 square feet (45.6 square meters) in fee
Parcel 20117-2 = 493 square feet in (45.8 square meters) in temporary construction easement

February 3, 2006
Amani Properties LLC
10455 La Donia Lane
Mentone, Ca. 92359

State of California-Business Transportationn and Housing Agency
Department of Transportation
464 W. 4th Street, MS-M
San Bernardino, Ca. 92401-1400
Phone 949-440-3439
Fax 909-383-6877

regarding: 08-SBD-38-KP 5.21
EA 498509

Parcel 20117-1, -2

M. Osman & Cindy Sue Amani

Executive Director
California Transportation Commission
P. O. Box 942873
Mail Station 52
Sacramento, Ca. 94273-0001

Dear Executive Director,

This letter is in response to the January 25th, 2006 letter from Deborah C. Meyers, Project Delivery Manager, Irvine Field Office, Southern Right of Way Region. We believe that your three conditions mentioned in the letter as A, B and C for the safety of the pedestrians and public should equally effect all of the businesses located on our street which is Mentone Boulevard, without exception. If this project will effect the entire neighborhood equally, it will be beneficial to the public and we fully support the project.

Also, the street is not equally widened on all of the businesses on Mentone Blvd. For example, the Arco gas station next to me sticks out almost 10 feet into the street more than ours, and this project is not going to effect that business according to your representative. If the Board of Transportation, for the safety of the public is enforcing this project, then it should be equal to all business owners on this street and fairly compensate the businesses for this construction that is required over this issue. For example, our replacement construction costs are estimated by Advantage Unlimited Environmental Solutions, Inc as a minimum of \$55,450.00. Please see copy of proposal attached. However, the Department of Transportation is trying to force me to accept \$36,000 which includes the land.

Since we cannot attend the meetings on March 15-16, 2006, we hope our concerns will be brought to the commission's attention to make a fair decision over this issue.

Thank you

Osman

Cindy Amani

**DEPARTMENT OF TRANSPORTATION
SOUTHERN RIGHT OF WAY REGION**

District 12 R/W Field Office
3337 Michelson Drive, Suite 380
Irvine, California 92612-8894

Phone: (949) 724-2417

FAX (949) 724-2411



February 16, 2006

Mr. Mohammad and Cindy Amani
10455 La Donia Lane
Mentone, CA 92359

08-SBD-38-KP 5.21

Parcel: 20117-1, -2

E.A.: 498509

Grantor: M. Osman & Cindy Sue Amani

Dear Mr. and Mrs. Amani:

This is in response to your letter dated February 3, 2006, addressed to the Executive Director of the California Transportation Commission and the Department of Transportation, San Bernardino District Office. As you noted in your letter, there are specific concerns that you would like addressed.

First, in regards to public safety, all of the properties with frontage on Mentone Boulevard within the limits of the project will receive new concrete curb, gutter and sidewalk. In addition, the installation of concrete curb ramps will be completed at every local road intersection with State Route 38 (SR38) and properties requiring access to the SR38 will receive a new concrete drive approach.

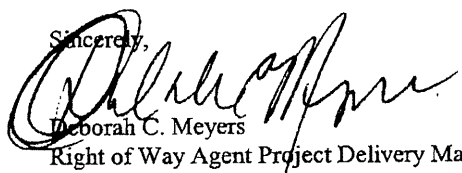
Second, your concern that Mentone Boulevard is not "equally widened" because the State's right of way varies in width throughout the project limits. Although right of way is not being acquired from all properties, all properties will receive the same improvements (i.e., new concrete curb, gutter and sidewalk). It should also be noted that the Need and Purpose of the project is to provide pedestrian accessibility to all properties. Widening the street "equally" is not within the scope of the project and does not meet the Need and Purpose of the project.

Finally, the Notice of Intent gives you an opportunity to appear before the California Transportation Commission to address the design issues concerning the public interest, necessity, and location of the project as it affects your property. The subject of the amount of compensation for your property is not an issue for the Commission and will not be considered by them. The acquisition agent will continue to work with you to discuss compensation, and the appraisal department will review the proposal you submitted from Advantage Unlimited Environmental Solutions.

Lastly, be assured that your concerns expressed in your letter dated February 3, 2006 will be made a part of the official record presented to the California Transportation Commission.

If you have any questions, you can reach Patrice Garnes by telephone at (949) 724-2417.

Sincerely,


Deborah C. Meyers
Right of Way Agent Project Delivery Manager
Irvine Office
Southern Right of Way Region

cc: Mark Zgombic

Southern Right of Way Region
21073 Pathfinder, Suite 100
Diamond Bar, CA 91765
Phone: (909) 468-1500
Fax: (909) 468-1501
TDD: (800) 735-2929

Los Angeles Field Office
801 Grand Avenue
Los Angeles, CA 90017
Phone: (213) 897-1861
Fax: (213) 897-1962

San Bernardino Field Office
464 W. 4th Street, 12th Floor
San Bernardino, CA 92401-1400
Phone: (909) 383-6211
Fax: (909) 383-6877

